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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re	:	Chapter 11
	:	
EVERGREEN GARDENS MEZZ LLC, et al.,	:	Case No. 21-10335 (MG)
	:	
Debtors.¹	:	(Joint Administration Pending)
	:	
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**NOTICE OF COMMENCEMENT OF CHAPTER 11 CASES OF EVERGREEN
GARDENS I LLC AND EVERGREEN GARDENS II LLC AND NOTICE OF
AGENDA OF MATTERS SCHEDULED FOR FIRST DAY HEARING**

PLEASE TAKE NOTICE that on February 22, 2021, Evergreen Gardens Mezz LLC (“EGM”) commenced a case under chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”) with the United States Bankruptcy Court for the Southern District of New York (the “**Bankruptcy Court**”). On September 14, 2021, Evergreen Gardens I LLC (“EG I”) and Evergreen Gardens II LLC (“EG II” and, together with EG I, the “**Subsidiary Debtors**” and, together with EGM, the “**Debtors**”) filed with the Bankruptcy Court voluntary cases under chapter 11 of the Bankruptcy Code. The Debtors have filed a motion requesting joint administration of their chapter 11 cases pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”).

Contemporaneously with the filing of the Subsidiary Debtors’ chapter 11 cases, the Debtors filed the *Joint Chapter 11 Plan of Evergreen Gardens I LLC, Evergreen Gardens II LLC, and Evergreen Gardens Mezz LLC*, dated September 13, 2021 (as it may be amended, modified or supplemented from time to time, and together with all exhibits and schedules

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor’s federal tax identification number, as applicable, are Evergreen Gardens Mezz LLC (0416); Evergreen Gardens I LLC (2211); and Evergreen Gardens II LLC (6782). The Debtors’ principal offices are located at 199 Lee Avenue, Suite 693, Brooklyn, New York 11211.

thereto, the “**Plan**”), and the *Disclosure Statement for Joint Chapter 11 Plan of Evergreen Gardens I LLC, Evergreen Gardens II LLC, and Evergreen Gardens Mezz LLC*, dated September 13, 2021 (as it may be amended, modified, or supplemented from time to time, and together with all exhibits and schedules thereto, the “**Disclosure Statement**”) pursuant to sections 1125 and 1126(b) of the Bankruptcy Code.

PLEASE TAKE FURTHER NOTICE that a hearing to consider certain relief requested by the Debtors in connection with the commencement of their chapter 11 cases has been scheduled for September 15, 2021 at 10:00 a.m. (Eastern Time) (the “**First Day Hearing**”) before the Honorable Martin Glenn, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York, Courtroom 523, One Bowling Green, New York, New York 10004.

PLEASE TAKE FURTHER NOTICE that an agenda with respect to the First Day Hearing is set forth below. Copies of each pleading identified below, including the Plan and the Disclosure Statement, may be obtained (a) by written request to the Debtors’ Claims and Noticing Agent, Donlin Recano & Company, Inc. (“**Donlin**”) at the following address: 6201 15th Avenue, Brooklyn, NY 11219; (b) by contacting Donlin by phone at (800) 283-2519 (toll free) and (212) 771-1128 (international); (c) by e-mail to eginfo@donlinrecano.com; (d) by accessing the Debtors’ case website at <https://www.donlinrecano.com/eg>; (e) through the Bankruptcy Court’s website www.nysb.uscourts.gov; or (f) at the office of the Clerk of the Bankruptcy Court, One Bowling Green, New York, New York 10004, between 9:00 a.m. – 4:00 p.m. (Prevailing Eastern Time).

PLEASE TAKE FURTHER NOTICE that, due to the COVID-19 pandemic, the First Day Hearing will be conducted using Zoom for Government. Parties should not appear in person and those wishing to appear or participate at the First Day Hearing (whether “live” or “listen only”) must make an electronic appearance through the Court’s website prior to 8:00 a.m. (Eastern Time) on the day of the First Day Hearing. Instructions for making an eCourtAppearance and additional information on the Court’s Zoom procedures can be found at <http://www.nysb.uscourts.gov/content/judge-martin-glenn>.

AGENDA FOR SEPTEMBER 15, 2021 at 10:00 A.M. – FIRST DAY HEARING

I. Introduction:

Introduction

II. Motions and Related Pleadings to Be Heard at the First Day Hearing:

1. Motion of Debtors Pursuant to Fed. R. Bankr. P. 1015(b) for Entry of Order Directing Joint Administration of Related Chapter 11 Cases [Case No. 21-11609 ECF No. 4; Case No. 21-11610 ECF No. 4, and Case No. 21-10335 ECF No. 63]
2. Motion of Subsidiary Debtors for (I) Authority to (A) Obtain Postpetition Financing, (B) Use Cash Collateral, (C) Grant Liens and Provide Superpriority Administrative Expense Status, (D) Grant Adequate Protection, (E) Modify The

Automatic Stay, and (F) Schedule a Final Hearing and (F) Related Relief [**ECF No. TBD**]

3. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing Subsidiary Debtors to (A) Continue Using Existing Cash Management System, Bank Accounts, and Business Forms, (B) Implement Changes to Cash Management System in the Ordinary Course of Business; and (II) Granting Related Relief [**ECF No. 69**]
4. Motion of Debtors Pursuant to 11 U.S.C. §§ 105(a), 342(a), and 521 and Fed. R. Bankr. P. 1007 and 2002(a)(1) for Entry of an Order (I) Extending Time to File Schedules of Assets and Liabilities, Schedules of Executory Contracts and Unexpired Leases, and Statements of Financial Affairs; and (II) Authorizing Debtors to (A) File a Consolidated List of Creditors and (B) Redact Certain Personal Identification Information for Tenants [**Case No. 21-11609 ECF No. 5, Case No. 21-11610 ECF No. 5, and Case No. 21-10335 ECF No. 66**]
5. Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing Subsidiary Debtors to (A) Pay Certain Critical Operating Expense Claims, and (B) Honor Tenant Obligations; and (II) Granting Related Relief [**ECF No. 67**]
6. Application of Debtors Pursuant to 28 U.S.C. § 156(c), 11 U.S.C §§ 503(b)(1)(A) and 105(a), and L.B.R 5075-1 for Authority to Retain and Employ Donlin, Recano & Company, Inc. as Claims and Noticing Agent Nunc Pro Tunc to the Subsidiary Debtor Petition Date [**ECF No. 68**]
7. Motion of Debtors for Entry of an Order (A) Scheduling Combined Hearing on Adequacy of Disclosure Statement and Confirmation of Debtors' Joint Chapter 11 Plan; (B) Establishing Procedures for Objecting to Disclosure Statement, Solicitation Procedures, and Chapter 11 Plan; (C) Approving Form, Manner, and Sufficiency of Notice of Combined Hearing, Commencement of Chapter 11 Cases, and Section 341(a) Meeting of Creditors; (D) Conditionally Approving the Disclosure Statement for Purposes of Soliciting the Mezzanine Lender; and (E) Granting Related Relief [**ECF No. 76**]

III. Related Pleadings:

8. Evergreen Gardens I LLC Voluntary Chapter 11 Petition [**Case No. 21-11609 ECF No. 1**]
9. Evergreen Gardens II LLC Voluntary Chapter 11 Petition [**Case No. 21-11610 ECF No. 1**]
10. Corporate Ownership Statement and List of Equity Security Holders Pursuant to Fed. R. Bankr. P. 1007(a)(1), 1007(a)(3), and 7007.1 [**Case No. 21-11609 ECF No. 2 and Case No. 21-11610 ECF No. 2**]

11. Declaration of Asaf Ravid Pursuant to Local Bankruptcy Rule 1007-2 in Support of Subsidiary Debtors' Chapter 11 Petitions and Related Relief [**Case No. 21-11609 ECF No. 3 and Case No. 21-11610 ECF No. 3**]
12. Joint Chapter 11 Plan of Evergreen Gardens I LLC, Evergreen Gardens II LLC, and Evergreen Gardens Mezz LLC [**ECF No. 70**]
13. Disclosure Statement for Joint Chapter 11 Plan of Evergreen Gardens I LLC, Evergreen Gardens II LLC, and Evergreen Gardens Mezz LLC [**ECF No. 71**]
14. Corrected Certification of Series E Notes Trustee Regarding Solicitation of Votes from Series E Noteholders on Joint Chapter 11 Plan of Evergreen Gardens I LLC, Evergreen Gardens II LLC, and Evergreen Gardens Mezz LLC [**ECF No. 83**]
15. Declaration of John Burlacu regarding Prepetition Solicitation of Votes on Joint Chapter 11 Plan of Evergreen Gardens I LLC, Evergreen Gardens II LLC, and Evergreen Gardens Mezz LLC [**ECF No. 75**]
16. [Declaration of Cynthia Romano in Support of Motion of Subsidiary Debtors for (I) Authority to (A) Obtain Postpetition Financing, (B) Use Cash Collateral, (C) Grant Liens and Provide Superpriority Administrative Expense Status, (D) Grant Adequate Protection, (E) Modify the Automatic Stay, and (F) Schedule a Final Hearing and (II) Related Relief [**ECF No. TBD**]]

IV. Motions to be Heard at a Later Hearing:

17. Debtors' Motion Pursuant to Fed. R. Bankr. P. 2002(a)(2) and 9006(c) for Order Shortening Notice with Respect to Motion of Debtors Pursuant to 11 U.S.C. §§ 105(a), 363, and 503(b) and Fed. R. Bankr. P. 2002, 6003, 6004, and 9014 for Entry of Interim and Final Orders (I) Authorizing and Approving Bid Protections and (II) Granting Related Relief [**ECF No. 81**]
18. Motion of Debtors Pursuant to 11 U.S.C. §§ 105(a), 363, and 503(b) and Fed. R. Bankr. P. 2002, 6003, 6004, and 9014 for Entry of Interim and Final Orders (I) Authorizing and Approving Bid Protections and (II) Granting Related Relief [**ECF No. 78**]
19. Motion of Debtors Pursuant to 11 U.S.C. §§ 105(a), 363(b), and 503(b) for Authority to Continue the Subsidiary Debtors' Insurance Policies and Honor Obligations with Respect Thereto [**ECF No. 64**]

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20. Motion of Debtors Pursuant to 11 U.S.C. §§ 366 and 105(a) Requesting Entry of an Order (I) Approving Form of Adequate Assurance of Payment to Utility Providers, (II) Establishing Procedures for Determining Adequate Assurance of Payment for Future Utility Services, and (III) Prohibiting Utility Providers from Altering, Refusing, or Discontinuing Utility Service **[ECF No. 65]**

Dated: September 14, 2021
New York, New York

/s/ Matthew P. Goren

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